

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
DWAYNE McNAIR,  
  
Defendant.

No. 3:14-CR-00462 WHA

**[PROPOSED] ORDER RE:  
PRETRIAL SCHEDULE AND  
DISCOVERY DISCLOSURE DATES**

The Court sets the following disclosure and motion dates in the above-entitled case.

**Jury Trial**

1. Trial will begin with jury selection on Monday, January 4, <sup>2016</sup>~~2015~~ at 7:30 a.m.;

**Pretrial Motion to Suppress**

2. The Court has presided over two days of evidentiary hearings relating to Mr. McNair's motion to suppress;
3. The parties shall file post-hearing briefs on the motion to suppress on Wednesday, October 28, 2015;
4. The parties shall file any Oppositions to these post-hearing briefs by Tuesday, November 3, 2015;

- 1 5. A hearing on the defendant's motion to suppress shall be held on Tuesday,  
2 November 10, 2015 at 2:00 P.M;

3 **Disclosure Dates**

- 4 6. By Tuesday, November 9, 2015, the parties shall reciprocally disclose:  
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6 a. An identification of any expert witnesses, along with their curriculum vitae and  
7 a meaningful summary of the witnesses's anticipated testimony;  
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9 b. Identification of evidence sought to be admitted under Federal Rules of  
10 Evidence 404(b), 608, and 609, to the extent required by Federal Rules of  
11 Evidence;  
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13 c. All materials required to be disclosed under Federal Rule of Criminal  
14 Procedure 16;  
15 i. The defense has represented in Court that it disclaims any alibi defense;  
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17 ii. The defense has represented in Court that it disclaims any insanity  
18 defense;

18 **Pretrial Conference**

- 19 7. The Pretrial Conference shall be held on Monday, December 14, 2015 at 9:00  
20 a.m.;  
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22 8. By December 2, 2015, the parties shall file any *in limine* motions. Filings to be  
23 made on December 2, 2015 shall include:  
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25 a. Motions under Federal Rule of Evidence 702 regarding expert  
26 witnesses;  
27  
28 b. Motions to exclude evidence offered under Federal Rules of

Evidence 404(b), 608, or 609;

- c. Motions to exclude hearsay evidence, to the extent known by that date;

9. On December 7, 2015:

- a. The parties shall submit Pretrial Conference Statements;
- b. The parties shall submit proposed jury instructions;
- c. The parties may file motions in support of or contesting proposed jury instructions;
- d. The parties will submit proposed verdict forms;
- e. The parties will submit any stipulations.
- f. The parties shall disclose witness lists for their cases in chief;
- g. The parties shall disclose exhibit lists for their cases in chief;
- h. The government shall disclose *Brady* / *Giglio* evidence, including witness statements that fall within *Brady*;

10. On Wednesday, December 9, 2015:

- a. The parties shall cross-file Oppositions to the above *in limine* motions;
- b. The parties will not file reply briefs to these *in limine* motions.

1 11. By December 28, 2015 at 5:00 pm., the parties will disclose witness statements  
2 covered by the Jencks Act.  
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4 IT IS SO ORDERED.  
5 Date: October 26, 2015.

  
WILLIAM ALSUP

United States District Court Judge

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8 Northern District of California  
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